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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/073,804

02/11/2002

Hans-Dieter Thieme

GMH/382/US

4377

2543 7590 10/11/2006

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EXAMINER

SELF, SHELLEY M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,804

Applicant(s)

THIEME, HANS-DIETER

Examiner

Shelley Self

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

Examiner notes the response filed April 21, 2003 states a drawing correction to be attached, however the office has received no drawing correction.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 35.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *lock* (clm. 1), *first sensing position* in the absence of the lock (clm. 1), *second sensing position* in the presence of the lock (clm. 1), *third sensing position* (clm. 3) and *fixing clips* (clm. 7, 15-18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Further new corrected drawings in compliance with 37 CFR 1.121(d) are required in this application due to poor legibility. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled and numbered in the top margin as either "Replacement Sheet" or

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“New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7 and 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Neither the specification nor the drawings provide clear antecedent basis for “the fixing clips” or how these clips correlate to the lock mount.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 5, 6, 8, 10, 12, 14, 15, 17, 18 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Lesser et al.( EP1013554 a1). Lesser discloses a tool arrangement for

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binding an object comprising a lock mount (fig. 5) having a sensor (col. 8, line 12 of corresponding US Publication/Translation US 6,513,555) and being configured to receive a lock (1), said lock capable of receiving ends of a band (2), said sensor having a first sensing position in the absence of the lock a second sensing position in the presence of the lock and a third sensing position when the lock contains a band (col. 8, lines 12-19, 26-29, 30-35 of corresponding US Publication/Translation US 6,513,555).

With regard to claim 3, Lesser discloses the sensor having a part which senses the lock.

With regard to claim 5, Lesser discloses a multi-step sensor. Examiner notes the sensor to be multi-step in that it goes through a series of steps for processing and relaying signals depending upon the sensed information/data.

With regard to claims 6, 12 and 14, Lesser disclose wherein the lock (1) has a through passage for the sensor.

With regard to claims 8 and 20, Lesser discloses a blade (48).

With regard to claim 10, Lesser discloses wherein a direction of a sensing movement of the sensor essentially coincides with a direction in which the lock (1) is to be introduced into the lock mount.

With regard to claims 15, 17 and 18 as best as can be understood, Lesser discloses “fixing clips” for the lock.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 7, 9, 11, 13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesser (EP1013554 A1) in view of Bretti (4,908,911). With regard to claim 2, Lesser does not explicitly disclose a detent. Bretti teaches in a closely related art a tool arrangement for binding an object comprising a lock mount capable of receiving a lock and the lock having a detent (fig. 3). Bretti teaches this construction so as to efficiently secure a band around an object. Because the references are from a similar art and deal with a similar problem (i.e., securement of a band around a wire via a lock), it would have been obvious at the time of the invention to one having ordinary skill in the art to provide Lesser with a detent so as to efficiently secure a band around a bundled object as taught by Bretti.

With regard to claim 4, Lesser discloses wherein a direction of a sensing movement of the sensor essentially coincides with a direction in which the lock (1) is to be introduced into the lock mount.

With regard to claims 7 and 16 as best as can be understood, Lesser discloses fixing clips for the lock.

With regard to claim 9, see above with reference to claim 3.

With regard to claim 11, see above with reference to claim 5.

With regard to claim 13 see above with reference to claim 6.

With regard to claim 19 see above with reference to claim 8.

### ***Response to Arguments***

Applicant's arguments filed April 21, 2003 have been fully considered but they are not persuasive. Applicant's remarks are drawn to the failure of the prior art of record, Bretti to disclose a sensor. Examiner notes the claimed invention fails to positively recite any structure as it relates to a sensor. Furthermore, the Examiner notes a sensor to be defined *as a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism or a particular motion) and transmits a resulting impulse* (Merriam Webster On-Line Dictionary). Bretti's element (138) and microswitch (140) are a sensor, in that the element (138) is a device that responds to a physical stimulus (pressure from band 52) and transmits a resulting impulse to the motor (162) to power the motor to operate the tool so as to bundle or harness a cable. Examiner notes however that Bretti fails to disclose sensing at first, second and third positions. Lesser however teaches this deficiency, accordingly, a rejection in view of Lesser is made.

### ***Conclusion***

The new ground of rejection was not necessitated by the amendment. Therefore, this Office Action is made non-Final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSelf

September 30, 2006